

## REMARKS

Claims 1-3, 6-12, 18-23, 25-34, 40, 41, 43-49, 52, 53, 55, 56, 69, and 71-81 were presented for examination.

Claims 1-3, 6-12, 18-23, 25-34, 40, 41, 43-49, 52, 53, 55, 56, 69, and 71-81 were rejected.

Applicant is hereby amending claims 2, 11, 32, 46, and 78 to more distinctly claim its invention. Applicant is cancelling claims 3, 18, 30, 40, 49, and 52. Applicant is adding new claims 82-85.

All claims were rejected under 35 USC 103(a) as unpatentable over Black ('740) and Tan ('395) in combination with various references. Applicant traverses these rejections. Independent claims 1, 31, 45, and 78 each describe limitations related to three dimensional scanning of a combined beam within a volume. Claim 1 requires "delivery means for scanning said combined treatment beam in a three-dimensional scanning pattern within a volume of biological tissue that undergoes a treatment." Claim 31 requires "a mirror-based scanner for scanning the combined treatment beam in a three-dimensional pattern within a volume of the substance, the mirror-based scanner including two or more reflective elements separated by an adjustable separation wherein adjusting the separation of the reflective elements scans the combined treatment beam within the volume." Claim 45 requires "scanning said combined treatment beam in a three-dimensional pattern within a volume of the substance, wherein the scanning comprises adjusting a separation between two or more reflective elements." Claim 78 requires "wherein said mirror-based optical delivery device delivers said combined laser treatment beam to a substance that undergoes a treatment and scans said combined laser treatment beam in a three-dimensional scanning pattern within a volume of said substance."

This limitation was discussed in an interview with the examiner as summarized in Applicant's last response and, in that interview, agreement was reached that Black (which was the reference asserted at the time) did not teach this limitation. The Applicant respectfully submits that Black in combination variously with Tan and other cited references still does not teach or suggest this limitation of three dimensional scanning of a combined beam within a volume. In fact, the examiner has not pointed out any passage in the cited references that meets this limitation. Therefore, the examiner has not met his burden of proof in making the rejection.

Applicant hereby requests reconsideration of the rejections of independent claims 1, 31, 45, and 78 and all corresponding dependent claims.

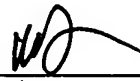
Reconsideration of this application as amended and allowance of all pending claims, as amended, are hereby respectfully requested.

Based on the comments above, it is believed that no further issues remain with this application that would prevent patentability. Applicants believe that the application is in condition for allowance of all claims herein, claims 1-2, 6-12, 19-23, 25-29, 31-34, 41, 43-48, 53, 55, 56, 69, and 71-85 as amended, and therefore a Notice of Allowance is respectfully requested. If the Examiner believes that for any reason direct contact with Applicants' attorney would help advance the prosecution of this case to finality, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,

Michael Farn

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